

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 793 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

AHEMAD ISMAILBHAIN GHADIYALI

Versus

STATE OF GUJARAT

Appearance:

MR SHAKEEL A QURESHI for Petitioner
MR AJ DESAI, APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 16/09/1999

ORAL JUDGEMENT

Heard learned counsel for the petitioner, Mr.S.A.Qureshi and learned APP Mr.A.J.Desai for the respondent No.1-State. Also gone through the complaint and representation which have been shown to me by the learned counsel for the petitioner. It is prima-facie established that present petitioner has filed Criminal Case Nos.115 of 1998 and 17697 of 1999 in the Court of Chief Judicial Magistrate at Bharuch and Court has taken cognizance of the same and ordered for investigation under sec.156(3) of Cr.P.C. and directed the Investigating Officer to submit the report of investigation within the stipulated time. It is clear from the document and from the arguments advanced by the learned counsel for the petitioner that yet investigation is not over and for that, he has to apply before the Court below so that the Court can do needful in the matter. As far as the representation dated 1-7-1999 which was alleged to have been made by the petitioner to the Government and other authority is concerned, it is practically the same which he has contended in the Criminal Cases filed before the Court of Chief Judicial Magistrate, Bharuch. Still, he has made some specific

allegation against the concerned Police Officer and, therefore, I direct the DSP, Bharuch, to enquire into the representation made by the petitioner and do needful in the matter.

Having regard to the facts and circumstances of the case, learned counsel for the petitioner seeks permission to withdraw this Special Criminal Application so as to approach before the Court below. Permission is granted as prayed for. This Special Criminal Application stands disposed of as withdrawn.

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